

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re: Chapter 7 Case
John Michael Dearly, Sr. and Lorri Ann Dearly, Bky. No. 04-34179-GFK
Debtors.

**NOTICE OF CONTINUED HEARING AND AMENDMENT
TO OBJECTION TO CLAIMED EXEMPT PROPERTY**

To: The Debtors and other entities specified in Local Rule 9013-3:

NOTICE IS HEREBY GIVEN that the date of the hearing on the Motion for Objection to Claimed Exempt Property (“Motion”) which was scheduled to be heard on **October 25, 2004 at 1:30 p.m.**, before the Honorable Gregory F. Kishel, United States Bankruptcy Court, in Courtroom No. 228B, 316 North Robert Street, St. Paul, Minnesota, has been changed. The Motion is now scheduled to be heard at **November 8, 2004 at 3:45 p.m.**, in St. Paul, Minnesota

1. The Debtors have claimed the following exempt under Minn. Stat. §550.37 subd. 4a: IMac computer with a with a current value of \$900.00 (the “Computer”) and misc. jewelry with a current value of \$500.00 (the “Jewelry”) The statute provides an exemption for:

household furniture, household appliances, phonographs, radio and television receivers of the debtor.

The Computer is not a household appliance.¹ In re Irwin, 232 B.R. 151 (Bankr. D. Minn. 1999). A computer is “not necessary to protect the Debtor from want . . . while certainly helpful and convenient, it is not necessary to maintain ‘the decencies of life.’” Id. at 154. The same analysis can be applied to the

Jewelry. As such, the Debtor is not entitled to the exemption of either.

Dated: October 20, 2004.

RIDER BENNETT, LLP

By: /e/ Nauni Jo Manty

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Minneapolis, MN 55402
(612) 340-7950

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UNSWORN CERTIFICATE OF SERVICE

I, Donna M. Voth, employed by Nauni Jo Manty, attorney licensed to practice law in this Court, declare that on October 20, 2004, I mailed copies of the Notice of Continued Hearing and Amendment to Objection of Claimed Exempt Property and Unsworn Certificate of Service by first class mail postage prepaid to each entity named below at the address stated below for each entity and all parties of interest.

Jerry and Lorri Ann Dearly 2117 Manitou Avenue St. Paul, MN 55119	United States Trustee 1015 U.S. Courthouse 300 So. Fourth St. Minneapolis, MN 55415
Jeffrey A. Leiviska 921 Main Street Hopkins, MN 55343	

and I declare under penalty of perjury that the foregoing is true and correct.

Executed on: October 20, 2004.

Signed /e/Donna M. Voth

Donna M. Voth
Rider Bennett, LLP
333 South Seventh Street, Suite 2000
Minneapolis, MN 55402

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ORDER

This matter came before the Court on the motion by Nauni Jo Manty, the Trustee for the Bankruptcy case of Jerry Michael Dearly, Sr. and Lorri Ann Dearly (the “Trustee”) for Objection to Claimed Exempt Property. Appearances were noted in the record at the time of the hearing. Based upon the files and records, the Court makes this Order pursuant to the Rules of Bankruptcy Procedure.

IT IS ORDERED: The Trustee’s objection to the claimed exemption is sustained as to the Computer and Jewelry.

Dated: _____

Gregory F. Kishel
Chief United States Bankruptcy Judge